

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

)	C.A. No. 96-10804-DPW
)	
LIBERTY MUTUAL INSURANCE)	Case Numbers
COMPANY,)	1:04-CV-10679-DPW
)	(Simpsonville Site)
Plaintiff,)	
)	
v.)	
)	
)	
THE BLACK & DECKER)	
CORPORATION, BLACK & DECKER)	
INC., BLACK & DECKER (U.S.))	
INC., EMHART CORPORATION,)	
and EMHART, INC.,)	
)	
Defendants.)	
)	

**ASSENTED-TO MOTION OF LIBERTY MUTUAL INSURANCE
COMPANY TO FILE UNDER SEAL ITS MEMORANDUM OF LAW
IN SUPPORT OF ITS SUPPLEMENTAL MOTION FOR SUMMARY
JUDGMENT WITH RESPECT TO THE SIMPSONVILLE SITE**

Pursuant to Local Rule 7.2, plaintiff, Liberty Mutual Insurance Company ("Liberty Mutual"), hereby moves for leave to file under seal its Supplemental Motion for Summary Judgment With Respect to the Simpsonville site, because said motion, and the accompanying memorandum of law, contain references to documents which were produced by defendants, The Black & Decker Corporation, et al. ("Black & Decker"), on a confidential basis pursuant to the Confidentiality Order in this lawsuit.

As grounds for this Motion, Liberty Mutual states as follows:

1. In the Motion and Memorandum, Liberty Mutual makes reference to, and appends copies as exhibits to its motion papers, of certain documents which were produced on a confidential basis by Black & Decker pursuant to the Confidentiality Order in this case. The parties have agreed to maintain the confidentiality of such documents in any filings with the Court.

2. Accordingly, Liberty Mutual files this Motion to protect the allegedly confidential nature of the Black & Decker documents which, otherwise, would be available for inspection and copying by the general public.

3. Liberty Mutual files this Motion in good faith, and not for the purpose of delay. Black & Decker will not be prejudiced in any manner by Liberty Mutual's request, which is intended to protect Black & Decker's asserted confidentiality interests.

4. Accordingly, pursuant to Local Rule 7.2, Liberty Mutual requests that the Court enter an Order authorizing the sealing of its Supplemental Motion for Summary Judgment With Respect to the Simpsonville site, together with the accompanying Memorandum of Law.

5. Liberty Mutual requests that the Court maintain the Motion and Memorandum under seal until this action is closed. At that time, Liberty Mutual requests that the Motion and Memorandum be returned to the undersigned counsel.

6. Black & Decker assents to this Motion to file the Motion and Memorandum under seal.

WHEREFORE, Liberty Mutual Insurance Company respectfully requests that the Court grant this motion and require that the Supplemental Motion for Summary Judgment and the accompanying Memorandum of Law be kept under seal, and for such other and further relief as this Court deems just and proper.

**LIBERTY MUTUAL
INSURANCE COMPANY**

By its attorneys,

/s/ Ralph T. Lepore III
Ralph T. Lepore, III (BBO #294420)
Janice Kelley Rowan (BBO #265520)
HOLLAND & KNIGHT LLP
10 St. James Avenue
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(617) 523-2700

Dated: November 10, 2004

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that pursuant to Local Rule 7.1, I spoke with Richard L. Binder, counsel for Black & Decker, on November 10, 2004, and he agreed that this motion could be filed with the assent of the defendants.

/s/ Ralph T. Lepore III
Ralph T. Lepore III

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of November, 2004, I caused a copy of the foregoing Assented to Motion to be served by hand upon Jack R. Pirozzolo, Esq., counsel to defendants, at Willcox, Pirozzolo & McCarthy, P.C., 50 Federal Street, Boston, MA 02110.

/s/ Ralph T. Lepore III

Ralph T. Lepore III

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